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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,679	12/14/2000	John E. Schier	062891.0434	2124

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BAKER BOTTS L.L.P.  
2001 ROSS AVENUE  
SUITE 600  
DALLAS, TX 75201-2980

EXAMINER
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TESLOVICH, TAMARA

ART UNIT	PAPER NUMBER
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2137

NOTIFICATION DATE	DELIVERY MODE
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03/06/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com  
glenda.orrantia@bakerbotts.com

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 09/737,679</p>	<p><b>Applicant(s)</b> SCHIER, JOHN E.</p>	
	<p><b>Examiner</b> Tamara Teslovich</p>	<p><b>Art Unit</b> 2137</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 13 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-4, 6-14, 19-31, 34-39.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2137

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments in response to the Examiner's 35 USC 112 Rejection of claims 1-4, 6-14, 19-31, and 34-36 have been considered but are not persuasive. Applicant's arguments fail to address pages 2-6 of the Final Office Action (13 December 2007) wherein the Examiner provides a thorough explanation of how Applicant has failed to describe his invention in such as a full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains to make and use the same. Applicant's original submission included specification passages, claim language, and drawings serving to support the Examiner's reading of the invention. However, through a series of claim amendments and the deletion of passages from the specification, Applicant is now attempting to claim an invention which was not clearly disclosed in his original application, but rather was only claimed once the Examiner had rejected the claims in view of prior art. The Examiner has provided page after page explaining how it is that one skilled in the art would not take the drawings and specification as Applicant claims, and for these reasons, and those given above, the Examiner maintains her rejection of the claims insofar as it appears that Applicant was not in possession of the presently claimed invention at the time of his filing. Applicant's arguments in response to the Examiner's 35 USC 102 rejection of claims 37-39 have been considered but are not persuasive. The Examiner maintains her rejection of Applicant's "isolating the communication module without terminating all power" in view of Netravali's setting of a wait time to "prevent further transmissions" until a specified period of time had lapsed. Applicant has failed to explain how the prevention of any further transmissions fails to teach an "isolation." Applicant's arguments in response to the Examiner's 35 USC 103 rejection of claims 1-36 have been considered but are not persuasive. Once again the Examiner reminds Applicant that she has only been able to examine the claims insofar as she understands them to teach the invention. As such, the Examiner has been forced to rely upon Applicant's specification, drawings, and claims as presented throughout prosecution in order to best identify Applicant's invention in order that she might conduct a thorough search of prior art. Throughout prosecution, the Examiner has made every effort to make Applicant aware of the numerous issues within the claims so that he might clear up the ambiguities to allow the Examiner to conduct a more thorough search of the prior art. It is in part based upon these remaining vaguities that the Examiner maintains her rejection of the claims insofar as she is able to realize Applicant's invention as supported by his specification. It is based upon the above mentioned arguments in view of the prosecution history in its entirety that the Examiner maintains her rejection of the claims in their entirety.